



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,942	10/01/2004	Kenji Ishida	Q83590	4968

23373 7590 06/27/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

KOEHLER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
----------	--------------

3726

MAIL DATE	DELIVERY MODE
-----------	---------------

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,942	Applicant(s) ISHIDA ET AL.	
	Examiner Christopher M. Koehler	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date : 10/1/04, 12/17/04, 7/19/05, 8/18/06, 1/16/07.

DETAILED ACTION

Claim Objections

1. Claims 6 and 14 are objected to because of the following informalities: The proper format for claims is recited in MPEP 608.01(m) and states that each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR 1.75(i). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (EP 0 756 238 A1, as submitted by Applicant in IDS dated 7/19/2005).

Claim 1:

Suzuki teaches a recycling method comprising making an identification display (product information upper left-most box of figure 14) showing that a product (21) to be recycled satisfies a product standard from health and safety, an easily recyclable product standard and a product standard based on an environmental load at a recycling stage (box 29 with information from box 350 in figure 5); integrally appending the

identification display to the product to be recycled (figure 14); and managing the recyclable product circulated in a market with the identification display (figure 1).

Claim 2:

Suzuki teaches that the easily recyclable property of the product is judged by evaluating the recyclable property of each of the parts constituting the product (figure 2) recording the evaluated recyclable property to form a database (350, figure 5) and referring to the database from the part constitution of the product (figure 5, 34 identifies the part and 29 makes the decision using information from the database 350).

Claim 3:

Suzuki teaches that the easily recyclable property of the product is judged by setting management standards related to the recycling of the parts constituting the product (350), and referring to the database from a part constitution satisfying the management standards (29).

Claim 4:

Suzuki teaches that a content of a recycling inhibiting substance for inhibiting the recycling for each of the parts is specified and then inputted into the database (figure 2, 213).

Claim 5:

Suzuki teaches that the database is freely connected through a telecommunications network (page 6, lines 46-54).

Claims 6, 7 and 15:

Suzuki teaches the system for recycling products as applied above but does not explicitly teach recycling of polyester. The method of Suzuki is however capable of recycling products of any composition using the decision processor and database for any material that is contained in any product. Neither Suzuki nor Applicant's method is specific on the steps of how to process a polyester material into another material merely a system for separating products into recyclable constituents and not how to recycle the specific constituent. For these reasons, Suzuki is inherently capable of recycling any composition of any constituent of a product that is cataloged in the database.

Claim 8:

Suzuki teaches that the recyclable product distributed in the market (figure 1) is managed by giving management information related to the recycling, such as the raw materials, production date, production place, production lot, weight, quality data, recyclable raw material employment rate and recommended recycling method of the commodity product to the identification electronically (21b, figure 6).

Claim 10:

Suzuki teaches that members who jointly operate the system for recycling the products are connected to each other through a network to share the management information of the identification displays appended to the recycled products (figure 1 and page 6, lines 46-54).

Claim 11:

Suzuki teaches that a server capable of reading and writing data for managing the products to be recycled is disposed on to give necessary information related to a

product specified by the display device to a member accessed to the server (database 350).

Claim 12:

Suzuki teaches that whether a product bought used can be recycled or not is evaluated by at least one evaluation means (29) including visual inspection using the identification display (barcode for example).

Claim 13:

Suzuki teaches that the receiving evaluation of the used product brought in by a non-member is approved by an information network manager (figure 1) integrally managing the operation of the recycling system.

Claim 14:

Suzuki teaches that the product is evaluated by the collecting member to collect the passed product (29); a recommended recycling method is selected on the result based by the evaluation and a new identification display is appended (62, figure 14); the product is transported to a subsequent processing (63, figure 14); and the products are produced and recycled (figure 2, 209-214).

Suzuki teaches the system for recycling products as applied above but does not explicitly teach recycling of polyester. The method of Suzuki is however capable of recycling products of any composition using the decision processor and database for any material that is contained in any product. Neither Suzuki nor Applicant's method is specific on the steps of how to process a polyester material into another material merely a system for separating products into recyclable constituents and not how to recycle the

Art Unit: 3726

specific constituent. For these reasons, Suzuki is inherently capable of recycling any composition of any constituent of a product that is cataloged in the database.

Claim 16:

Suzuki teaches the product collected for the recycling is supplied to a material or chemical recycle depending on the material (figure 2, 209-214)

Claim 17:

Suzuki teaches a recycling method comprising making an identification display (product information upper left-most box of figure 14) showing that a product (21) to be recycled satisfies a product standard from health and safety, an easily recyclable product standard and a product standard based on an environmental load at a recycling stage (box 29 with information from box 350 in figure 5); integrally appending the identification display to the product to be recycled (figure 14); and managing the recyclable product circulated in a market with the identification display (figure 1), characterized by having at least the identification display integrally appended to the product; a database (350) for recording management information such as recycling inhibiting substance contents of part constituting the product, a server computer for managing the information necessary for the recycling in a state capable of being read and written in the database (page 6, lines 46-54), an input means (201, figure 2) for inputting retrieval information such as the kind, weight and constitution of each part constituting the product (21b, figure 6), and a recyclability-judging means (29) for

judging the total easy recyclability of the product on the basis of the input information from the input means.

Claim 18:

Suzuki teaches that members who jointly operate the system for recycling the products are connected to each other through a network to share the management information of the identification displays appended to the recycled products (figure 1 and page 6, lines 46-54).

Claim 19:

Suzuki teaches having at least one evaluation means (29) including visual inspection using the identification display (34, figure 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

Claims 9:

Suzuki teaches the system for recycling products as applied to the claims above but does not explicitly teach a refund or deposit system for returning the product for recycling. The examiner takes official notice that it is well known in the art of recycling to provide compensation in the way of a refund, deposit, rebate or other positive motivation to a consumer returning a recyclable item to a recycling center, by way of

Art Unit: 3726

example the return of aluminum cans and bottles to a recycling center whereby the consumer is refunded their deposit. It would have been obvious to one of ordinary skill in the art at the time of invention to apply a reward system to the consumer for returning recyclables to the system of Suzuki in order to provide incentive to the consumer to recycle which in turn reduces raw material costs to the manufacturer and conserves natural resources while reducing waste.

Conclusion

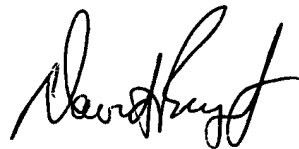
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK



DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER

6/22/07